

respond to the Answer and/or Motion for Summary Judgment. Therefore, Petitioner's motion for time to respond is moot.

As for Petitioner's motion for appointment of counsel, there is no constitutional right to the appointment of counsel in a § 2254 proceeding. Crowe v. United States, 175 F.2d 799 (4th Cir. 1949). Instead, appointment of counsel is governed by Rules 6(a) and 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts, which mandate the appointment of counsel where discovery is necessary or if the matter proceeds to an evidentiary hearing. Neither of those situations appear to apply here.

Additionally, the Court has discretion to appoint counsel to financially eligible persons in a § 2254 action upon finding that "the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). Petitioner has not shown circumstances demonstrating the need for appointment of counsel in this case. Accordingly, Petitioner's motion for appointment of counsel shall be denied.

IT IS, THEREFORE, ORDERED that Petitioner's motion for time to reply to Respondent's Answer (Doc. No. 10) is **DENIED as moot**.

IT IS FURTHER ORDERED that Petitioner's motion for appointment of counsel (Doc. No. 12) is **DENIED**.

Signed: November 4, 2016

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

